CIVIL WRIT JURISDICTION CASE No.6899 OF 1990

TILDHARI ROY, son of late Ramshray Rai resident of village – Panapur Langa, P.S. Hajipur Sadar, District – Vaishali.

---------- Petitioner

Versus

1. The State of Bihar
2. Collector, Vaishali at Hajipur
3. Bhagwat Thakur son of Sri Hirdaya Thakur, resident of village Panapur Langa, P.S. Hajipur Sadar, District – Vaishali.
4. Chandrika Singh, son of not known, resident of village Panapur Langa, P.S. Hajipur Sadar, District – Vaishali.

---------- Respondents.

For The Petitioner : Mr. Shrinandan Pd. Sinha, Advocate
Mr. Ashok Kumar, Advocate.

P R E S E N T

THE HON'BLE MR. JUSTICE AJAY KUMAR TRIPATHI

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A. K. Tripathi, J. Heard learned counsel for the parties.

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In exercise of power under Section 32 of the Consolidation Act, by virtue of the order dated 20.09.1990, the Collector Vaishali at Hajipur had declared the Kewala dated 19.12.1977 to be invalid since it was in breach of Section 5 of the Consolidation Act and further a fine of Rs. 200/- was also imposed upon the petitioner. The order contained in Annexure – 1 is under challenge in the present writ application.

Submission of learned counsel appearing for the petitioner is that the order impugned is erroneous inasmuch as it is accepted position, which emerges from perusal of the order, that there was publication of register of lands, but the publication of statement of principle had not been done nor confirmed to have taken place. In absence of the publication of

both, the alienation could not be said to have fallen foul of Section 5 of the Act.

A Division Bench Decision rendered in the Case of ***Ramjanam Singh Versus The State of Bihar reported in 2001 (4) PLJR 531*** has been brought to my notice, as the law on the issue.

The impugned order contained Annexure – 1 dated 20.09.1990 is quashed. The writ application is allowed.

Patna High Court
The 22nd Day of
December, 2008,
NARF/AFR,
Rajeev/

(Ajay Kumar Tripathi, J.)

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